

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

UNITED STATES OF AMERICA.

v.

CARLOS RAMON POLIT FAGGIONI,
Defendant.

Case No. 22-cr-20114-KMW

**Declaration of Eric Snyder in Support of
McGuireWoods LLP's Motion to Quash Subpoena Served by Defendant**

I, Eric Snyder, pursuant to 28 U.S. Code § 1746, declare as follows:

1. I am over the age of 18 and competent to testify in this matter. I have personal knowledge of the facts set forth below and if called upon, I could and would testify competently thereto. I make this Declaration in support of the Motion to Quash or Modify the Subpoena served on nonparty McGuireWoods LLP ("McGuireWoods").

2. I am partner with the law firm McGuireWoods, working in the firm's office in New York City, 1251 Avenue of the Americas, 20th Floor, New York, NY 10020-1104. I am a resident of the States of New York and Maine.

3. I joined McGuireWoods as a partner in June 2022. Prior to joining McGuireWoods, I was a partner with the law firm Jones Day.

4. In 2016, while I was with Jones Day, I began representing Jose Conceicao Santos Filho ("Mr. Conceicao") in connection with the U.S. Department of Justice's investigation into foreign bribery allegations made against Mr. Conceicao's former employer, Odebrecht, S.A. I

continue to represent Mr. Conceicao with respect to his role as a potential government witness in the present case.

5. On April 1, 2024, counsel for Defendant Carlos Polit in *United States v. Polit*, No. 22-CR-20114 (S.D. Fl.), Jackie Perczek, emailed me requesting “a complete file of the agreements reached by [the Government’s] witnesses with other countries,” including, counsel provides, Brazil, Ecuador, “or perhaps other countries.” Counsel claimed they “expect that those nonprivileged materials would be in your possession.” A copy of this email chain is attached as Exhibit A.

6. I interpreted Counsel’s email to be requesting a copy of what I understand to be Mr. Conceicao’s leniency agreement with the Brazilian government (“Brazilian Agreement”). I informed Ms. Perczek that I did not have a copy of this agreement but would “try to get a copy for” her. Ex. A.

7. After sending my April 1 email to Ms. Perczek, I was advised that the Brazilian Agreement is filed under seal in Brazil and cannot be shared without the permission of the Court in Brazil. I shared this information with the Government attorneys in this case with the understanding that the Government would convey this information to Defendant’s counsel. A copy of this email is attached as Exhibit B.

8. Ms. Perczek also attached to her April 1 email to me a copy of a Subpoena dated April 1, 2024 (the “Subpoena”) and asked if I would accept service by email. I have attached as Exhibit C a copy of the Subpoena. Ms. Perczek then requested I “produce [McGuireWoods’] communications with the government that relate to the conduct of Mr. [Conceicao] or the others listed in the subpoena.” Ex. A.

9. I informed Ms. Perczek on April 3 that I would not accept service of the Subpoena by email. *See id.*

10. On April 4, Defendant had a copy of the Subpoena hand-delivered to the McGuireWoods office in New York City. Defendant's process server delivered the Subpoena by dropping it at the feet of the Office Administrator of the firm's New York office in the lobby of our building.

11. The Subpoena is addressed to the "Custodian of Records McGuireWoods." Ex. C.

Rhonda Todd serves as the Senior Records Manager for McGuireWoods' Records Department. Ms. Todd's duties include managing McGuireWoods' client files and maintaining the firm's records related to client files, which includes files related to the firm's representation of Mr. Conceicao. In her capacity as the firm's Senior Records Manager, Ms. Todd serves as McGuireWoods Custodian of Records for client file records, such as those requested in the Subpoena. Ms. Todd is a resident of Virginia. She works in McGuireWoods' main office located in Richmond, Virginia.

12. McGuireWoods has no office in the Southern District of Florida. The sole office that McGuireWoods has in Florida is located in Jacksonville.

13. The Subpoena commands the McGuireWoods' Custodian of Records to appear to testify and produce documents to Courtroom No. 11-3 at the U.S. Courthouse in Miami on April 8, 2024 at 9:00 a.m. The Subpoena requires the production of the following hard copy and electronic documents:

1. All non-privileged documents reflecting the arrangement each individual has or had with the government of any country regarding any actual or potential exposure to prosecution for their conduct in relation to the Odebrecht investigation.

2. All correspondence (including texts and emails) with any representative of any country regarding the conduct of any of the individuals listed below in relation to the Odebrecht investigation. The individuals are: Jose Conceicao Santos Filho [the Subpoena then lists eleven other individuals].

14. In addition to Mr. Conceicao, the Subpoena lists eleven other individuals (the "Other Individuals").

15. With respect to Request No. 1, McGuireWoods does not have in its files any agreement (or other arrangement) between a foreign government and either Mr. Conceicao or any of the Other Individuals.

16. McGuireWoods does not have a copy of the Brazilian Agreement in its files. Other than the Brazilian Agreement, the only agreement between Mr. Conceicao and any government that I am aware of is Mr. Conceicao's Non-Prosecution Agreement with the United States, which I understand the Government has produced to Defendant.

17. With respect to Request No. 2, the only correspondence I had concerning Mr. Conceicao or the Odebrecht investigation with representatives of any country were my communications with government lawyers for the United States Department of Justice. At no time during my representation of Mr. Conceicao did I correspond with foreign government officials concerning the Odebrecht investigation, Mr. Conceicao or any of the Other Individuals. McGuireWoods does not have in its files any correspondence with any foreign government officials related to Mr. Conceicao or any Other Individuals.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 6th day of April, 2024.



Eric Snyder

EXHIBIT A

From: "Snyder, Eric" <esnyder@mcguirewoods.com>

Date: April 3, 2024 at 11:28:49 AM EDT

To: Jackie Perczek <JPerczek@royblack.com>

Cc: Howard Srebnick <HSrebnick@royblack.com>, Maylin Brito <MBrito@royblack.com>, Jeanelle Gomez <jgomez@royblack.com>, Sasha Hernandez <shernandez@royblack.com>, Fernando Tamayo <ftamayo@coffeyburlington.com>, Lori Maltz <lmaltz@coffeyburlington.com>, "Simon, Jill (CRM)" <Jill.Simon@usdoj.gov>, AUSA Michael Berger <Michael.Berger2@usdoj.gov>, "Kramer, Alexander (CRM)" <Alexander.Kramer@usdoj.gov>

Subject: Re: United States v. Polit, No. 22-CR-20114 (Southern District of Florida).

I am not willing to accept service by email

Eric Snyder 

Partner

McGuireWoods LLP

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20th Floor

New York, NY 10020-1104

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M: +1 917 675 2602

F: +1 212 548 7113

esnyder@mcguirewoods.com

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McGuireWoods

On Apr 1, 2024, at 6:13 PM, Jackie Perczek <JPerczek@royblack.com> wrote:

****EXTERNAL EMAIL; use caution with links and attachments****

Thank you Eric, I appreciate it. In the meantime, please can you produce your firm's communications with the government that relate to the conduct of Mr. Santos or the others listed in the subpoena?

Jackie Perczek

Partner

BlackSrebnick

CIVIL | CRIMINAL

201 South Biscayne Boulevard, Suite 1300, Miami, FL 33131

O 305-371-6421

M 305-710-9242

www.royblack.com

Notice: This communication, including attachments, may contain information that is confidential and protected by the attorney/client or other privileges. It constitutes non-public information intended to be conveyed only to the designated recipient(s). If the reader or recipient of this communication is not the intended recipient, an employee or agent of the intended recipient who is responsible for delivering it to the intended recipient, or you believe that you have received this communication in error, please notify the sender immediately by return e-mail and promptly delete this e-mail, including attachments without reading or saving them in any manner. The unauthorized use, dissemination, distribution, or reproduction of this e-mail, including attachments, is prohibited and may be unlawful. Receipt by anyone other than the intended recipient(s) is not a waiver of any attorney/client or other privilege.

From: Snyder, Eric <esnyder@mcguirewoods.com>

Sent: Monday, April 1, 2024 5:51 PM

To: Jackie Perczek <JPerczek@royblack.com>

Cc: Howard Srebnick <HSrebnick@royblack.com>; Maylin Brito <MBrito@royblack.com>; Jeanelle Gomez <jgomez@royblack.com>; Sasha Hernandez <shernandez@royblack.com>; Fernando Tamayo <ftamayo@coffeyburlington.com>; Lori Maltz <lmaltz@coffeyburlington.com>; Simon, Jill (CRM) <Jill.Simon@usdoj.gov>; AUSA Michael Berger <Michael.Berger2@usdoj.gov>; Kramer, Alexander (CRM) <Alexander.Kramer@usdoj.gov>

Subject: Re: United States v. Polit, No. 22-CR-20114 (Southern District of Florida).

Jackie

I do not have it but can try to get a copy for you.

Will let you know when I do.

Best,

Eric

Eric Snyder

Partner

McGuireWoods LLP

1251 Avenue of the Americas

20th Floor

New York, NY 10020-1104

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[<~WRD0556.jpg>](#)

On Apr 1, 2024, at 5:35 PM, Jackie Perczek <JPerczek@royblack.com> wrote:

****EXTERNAL EMAIL; use caution with links and attachments****

Dear Mr. Snyder,

We represent Carlos Polit in *United States v. Polit*, No. 22-CR-20114 (Southern District of Florida).

We are starting trial on Monday, April 8, 2024.

The government's witnesses include Odebrecht employees who may have negotiated non-prosecution or other agreements in Brazil, Ecuador, or perhaps other countries.

The government has not produced to us a complete file of the agreements reached by its witnesses with other countries.

We expect that those non-privileged materials would be in your possession, so we are emailing you the attached subpoena requesting that you please produce those materials to us.

Please let us know if you agree to accept service of the attached subpoena by email.

The prosecutors in our case are copied here: DOJ Jil Simon, DOJ Alex Kramer, and AUSA Mike Berger.

- Jackie

Jackie Perczek

Partner

<Miami_Logo_Medium_a6662b01-a14c-46ba-867d-4b9814d72a59.jpg>

O 305-371-6421

M 305-710-9242

www.royblack.com

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<Subpoena - McGuireWoods.pdf>

This e-mail from McGuireWoods may contain confidential or privileged information. If you are not the intended recipient, please advise by return e-mail and delete immediately without reading or forwarding to others.

EXHIBIT B

From: "Snyder, Eric" <esnyder@mcguirewoods.com>

Date: April 3, 2024 at 11:27:07 AM EDT

To: Jil Simon <jill.simon@usdoj.gov>, Alexander Kramer <Alexander.Kramer@usdoj.gov>, Michael Berger <Michael.berger2@usdoj.gov>

Subject: The Brazilian agreement

I spoke to his lawyer João Florencio

The agreement is under seal and cannot be shared without the permission of the Court in Brazil

So you/defense counsel would need to make a formal request for it thru the Brazilian Central Authority

It would be a crime in Brazil for either Conceicao or his Brazilian lawyer to share it.
(It apparently has a watermark that would allow the Brazilian authorities to identify who disclosed it).

Eric Snyder 

Partner

McGuireWoods LLP

1251 Avenue of the Americas

20th Floor

New York, NY 10020-1104

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F: +1 212 548 7113

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McGuireWoods

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EXHIBIT C

AO 89 (Rev. 08/09) Subpoena to Testify at a Hearing or Trial in a Criminal Case

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America

v.

Carlos Ramon Polit Faggioni

Defendant

Case No. 22-cr-20114-KMW

SUBPOENA TO TESTIFY AT A HEARING OR TRIAL IN A CRIMINAL CASE

To: Custodian of Records
 McGuireWoods
 1251 Avenue of the Americas, 20th Floor
 New York, NY 10020-1104

YOU ARE COMMANDED to appear in the United States district court at the time, date, and place shown below to testify in this criminal case. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place of Appearance: Judge Williams	Courtroom No.: 11-3
U.S. Courthouse, 400 N. Miami Avenue, Miami, FL	Date and Time: April 8, 2024 at 9:00 a.m.

You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

See Schedule A, attached.

(SEAL)

Date: 4/1/24



CLERK OF COURT

[Signature]
 Signature of Clerk or Deputy Clerk
 Angela E. Noble

The name, address, e-mail, and telephone number of the attorney representing (*name of party*) Carlos Ramon Polit Faggioni
 _____, who requests this subpoena, are:

Jackie Perczek, Esq.
 BLACK SREBNICK
 201 S. Biscayne Blvd., Suite 1300
 Miami, Florida 33133
 Telephone: (305) 371-6421
 Facsimile: (305) 703-4934

AO 89 (Rev. 08/09) Subpoena to Testify at a Hearing or Trial in a Criminal Case (Page 2)

Case No. _____

PROOF OF SERVICE

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____

☐ I served the subpoena by delivering a copy to the named person as follows: _____
_____ on *(date)* _____ ; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:



Case No. 22-CR-20114-KMW
SCHEDULE A TO SUBPOENA

DOCUMENTS TO BE PRODUCED

With respect to the individuals listed below, please produce the following non-privileged documents in your actual or constructive possession:

1. All non-privileged documents reflecting the arrangement each individual has or had with the government of any country regarding any actual or potential exposure to prosecution for their conduct in relation to the Odebrecht investigation (for example, non-prosecution agreements or the equivalent agreement in a foreign country, charging documents, statements by the individuals, testimony, sworn declarations, statements by prosecutors, plea agreements, factual basis for the plea agreements, sentence/criminal judgments, fines, forfeiture or restitution imposed, etc.).
2. All correspondence (including texts and emails) with any representative of any country regarding the conduct of any of the individuals listed below in relation to the Odebrecht investigation.

The individuals are:

Jose Conceicao Santos Filho

Geraldo de Souza

Angela Palmeira

Olivio Rodrigues

Antonio Andretta

Juan Ribas Domenech

Tamara Devos

Federico Gomez

Roberto Isaias

Daniel Liste

Mauricio Neme

Maria del Carmen Morla

JACKIE PERCZEK, ESQ.
Black Srebnick
201 South Biscayne Blvd., Suite 1300
Miami, Florida 33131
Email: jperczeck@royblack.com;
mbrito@royblack.com
Telephone: (305) 371-6421
Mobile: (305) 710-9242
Fax: (305) 703-4934

Verify check at <https://echecks.com/verify>

Memo: WITNESS FEE

Bank Of America, N.A.

Forty and 00/100

Dollars

\$ 40.00

PAY TO THE ORDER OF MCGUIRE WOODS

Date 04/03/2024
Valid after 90 days

Legal Process Service & Investigations, LLC
8724 SW 72nd Street, #402
Miami, FL 33173

Official eCheck

This is a Deluxe echeck. The PAY TO THE ORDER OF line designates the Payee. For questions, call Deluxe Payment Exchange customer support at 1-877-333-6964. Ref: 4EC8-974E

VV3401

Check appears upside down intentionally

Cut along this line



How to use this check

Need help? Visit [eChecks.com](https://echecks.com) or call 1-877-333-6964

Step 1 Print the check	Step 2 Validate it printed correctly	Step 3 Deposit like normal
<ul style="list-style-type: none"> ✓ Any printer works ✓ Black or color ink ✓ Basic white paper 	<ul style="list-style-type: none"> ✓ Correct if bank numbers are: Centered in white space Parallel to edge of the page Clearly printed in dark black ink ✗ Reprint if bank numbers are: Cut off, skewed, or off-center Smudged or wrinkled Too light to read 	<ol style="list-style-type: none"> 1. Cut on the dotted line above 2. Endorse the back 3. Deposit like normal: In-person at a bank or credit union Using an ATM Via smartphone mobile deposit With an office check scanner

Does your financial institution have questions about this check?

- This check was printed from an authorized check record. It is not a check 21 Image Replacement Document.
- To confirm this check was issued by the account holder and details (pay to, amount, routing/account number) remain unmodified, the item's authenticity can be verified using the Deluxe Inc. Check Verification service at <https://echecks.com/verify>.

Questions? Visit [eChecks.com](https://echecks.com) or call 1-877-333-6964

For your records

Issued date: 2024-04-03

Check number: VV3401

From: Legal Process Service & Investigations, LLC

Amount: \$40.00

Payable to: ERIC SNYDER

Delivery email: legalinvestigationllc@hotmail.com

Memo: WITNESS FEE

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